



OFFICE OF EMERGENCY MEDICAL SERVICES

Administrative Requirements Manual

EFFECTIVE: 8/23/05 AUTHORIZATION: LG PAGE: 1 of 2

A/R TITLE: Department Assessment of Information Reported by EMS Personnel Under 105 CMR 170.937

SUPERSEDES: None

PURPOSE:

To explain to EMS services and EMTs how the Department will assess the information it receives from EMS personnel who report criminal convictions and loss or suspension of driver's license in accordance with 105 CMR 170.937.

BACKGROUND:

Under 105 CMR 170.937, each EMT or EFR is responsible for filing a written report with the Department, as well as his or her EMS service, within five days of the following:

- The EMT's or EFR's conviction of a misdemeanor or felony in Massachusetts, another state, the United States or a foreign country (including a guilty plea or admission to sufficient facts), other than a minor traffic violation for which less than \$1,000 was assessed. The following are not minor traffic violations and must be reported: conviction for driving under the influence, reckless driving, driving to endanger, and motor vehicle homicide.
- Loss or suspension of the EMT's or EFR's driver's license.

ASSESSMENT PROCESS/CRIMINAL CONVICTIONS:

1. Upon receipt of such a report at the Department, the Office of Emergency Medical Services (OEMS) will review it within five business days. A CORI (criminal offender record information) request for that EMT or EFR will be submitted to the Criminal History Systems Board ("CHSB"), as appropriate, in accordance with the certification granted to OEMS by the CHSB. For a conviction from another state, the federal court system or foreign country, OEMS will contact the EMT or EFR and request all records relevant to the conviction.

2. Once obtained, OEMS staff authorized by the CHSB to review CORI will evaluate the CORI report within five business days. If the CORI report includes information about other criminal convictions that would have been reportable pursuant to 105 CMR 170.937, or if there is any indication that more information from the judicial system is needed to assess the criminal conviction's relevance, OEMS staff will request a copy of the court record from the court in which the conviction was entered.

3. Based on this initial review, OEMS staff will make a recommendation to the OEMS Management Team (authorized by the CHSB to review CORI). The OEMS Management Team will collectively assess the relevance of the criminal conviction, based on consideration of the following factors:

- a. The seriousness and specific circumstances of the offense(s);
- b. Age of EMT or EFR at the time of the offense;
- c. Length of time elapsed since the offense;



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- d. Whether the offense impairs or impacts on the skills, duties and responsibilities of an EMT or EFR;
 - e. Whether the offense involved violence or abuse of a person;
 - f. Whether the offense involved a minor or a person of diminished capacity;
 - g. Whether the offense involved use or distribution of controlled substances;
 - h. Other criminal history.
4. If after assessing the factors set out in 3, above, the OEMS Management Team does not believe the EMT's or EFR's criminal history warrants further action by the Department, OEMS staff will notify the EMT or EFR that his/her certification as an EMT or EFR will not be affected.
5. If after assessing the factors set out in 3, above, the OEMS Management Team believes it needs further information before it can make a determination regarding the EMT's or EFR's certification, OEMS staff will contact the EMT or EFR and ask him/her to present additional information.
6. If after assessing the factors set out in 3, above, the OEMS Management Team determines that the criminal offenses constitute grounds for enforcement action against the EMT or EFR it will consult with the Department's Office of General Counsel and may initiate an agency action in accordance with all requirements of 105 CMR 170.740 through 170.770, which includes rights of appeal.

ASSESSMENT PROCESS/LOSS OR SUSPENSION OF DRIVER'S LICENSE

1. Upon receipt of such a report, OEMS staff will verify the information with the Registry of Motor Vehicles.
2. All ambulance and EFR services are required to ensure that no one whose driver's license is suspended or revoked serves on an ambulance or EFR vehicle as an EMT or EFR. Having a current, valid driver's license is required in order to serve in these roles on an ambulance or EFR vehicle. 105 CMR 170.285.
3. If OEMS staff verifies that an EMT's or EFR's driver's license has been revoked, it will note the term of revocation in the EMT's file. This would not affect the EMT's or EFR's certification, but this will bar the EMT or EFR from working in these roles on an ambulance or EFR vehicle.